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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CR No. 08-824 WHA
)	
Plaintiff,)	STIPULATION AND PROPOSED ORDER
)	EXCLUDING TIME UNDER 18 U.S.C. § 3161
v.)	
)	
JOSE HERNANDEZ-MONTOYA,)	
a/k/a JOSE LUIS HERNANDEZ,)	
)	
Defendant.)	
_____)	

On November 14, 2008, the parties appeared before the Court for the defendant's arraignment. At that time, the parties requested, and the Court agreed, to exclude all time under the Speedy Trial Act starting November 14, 2008 through November 25, 2008. The parties represented that granting the continuance was the reasonable time necessary for continuity of defense counsel. 18 U.S.C. § 3161(h)(8)(B)(iv). The parties also agreed that the ends of justice

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served by granting such a continuance outweighed the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

SO STIPULATED:

JOSEPH P. RUSSONIELLO
United States Attorney

DATED: November 17, 2008

/s/
TAREK J. HELOU
Assistant United States Attorney

DATED: November 17, 2008

/s/
JODI LINKER
Attorney for Defendant JOSE HERNANDEZ-MONTOYA

For the reasons stated above, the Court finds that exclusion of time starting November 14, 2008 through November 25, 2008 is warranted and that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161 (h)(8)(A). The failure to grant the requested continuance would deny the defendant continuity of counsel, and would result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(B)(iv).

SO ORDERED.

DATED: November 17, 2008


THE HONORABLE BERNARD ZIMMERMAN
United States Magistrate Judge